

JAMES McWHIRT,)
)
 Plaintiff,)
)
 v.) **Case No. 4:06-CV-974-FRB**
)
 JOGARI ZERRUSEN, et al.,)
)
 Defendants.)

This matter is before the Court sua sponte. Applicant filed a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a) [Doc. #1] while he was a prisoner confined at the Moberly Correctional Center (MCC); however, he did not submit a prison account statement as required by 28 U.S.C. § 1915(a)(2). Applicant subsequently advised the Clerk of Court that he was no longer in custody, and that he was residing in Vandalia, Missouri. The Court granted applicant twenty days within which to submit a “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23” or to pay the full \$350 filing fee. Twenty days has passed and plaintiff has not complied with the Court’s order.

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #1] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's complaint is **DISMISSED**, without prejudice, for failing to comply with this Court's prior order. See Fed. R. Civ. P. 41(b).

An appropriate order shall accompany this order and memorandum

Dated this 14th day of November, 2006.

/s/Donald J. Stohr

UNITED STATES DISTRICT JUDGE